This Page Is Inserted by IFW Operations and is not a part of the Official Record

BEST AVAILABLE IMAGES

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images may include (but are not limited to):

- BLACK BORDERS
- TEXT CUT OFF AT TOP, BOTTOM OR SIDES
- FADED TEXT
- ILLEGIBLE TEXT
- SKEWED/SLANTED IMAGES
- COLORED PHOTOS
- BLACK OR VERY BLACK AND WHITE DARK PHOTOS
- GRAY SCALE DOCUMENTS

IMAGES ARE BEST AVAILABLE COPY.

As rescanning documents will not correct images, please do not report the images to the Image Problem Mailbox.



UNITED STATES PATENT AND TRADEMARK OFFICE

I, Charles Edward SITCH BA,

Deputy Managing Director of RWS Group plc UK Translation Division, of Europa House, Marsham Way, Gerrards Cross, Buckinghamshire, England declare;

- 1. That I am a citizen of the United Kingdom of Great Britain and Northern Ireland.
- 2. That the translator responsible for the attached translation is well acquainted with the German and English languages.
- 3. That the attached is, to the best of RWS Group plc knowledge and belief, a true translation into the English language of the accompanying copy of the specification filed with the application for a patent in Germany on 17 January 2001 under the number 101 02 048.1 and the official certificate attached hereto.
- 4. That I believe that all statements made herein of my own knowledge are true and that all statements made on information and belief are true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the patent application in the United States of America or any patent issuing thereon.

For and on behalf of RWS Group plc

The 21st day of April 2004

FEDERAL REPUBLIC OF GERMANY [Eagle crest]

Priority Certificate for the filing of a Patent Application

File Reference:

101 02 048.1

Filing date:

17 January 2001

Applicant/Proprietor: Aventis Behring GmbH, Marburg/DE

Title:

Antithrombin III for disorders caused by angiogenesis

IPC:

A 61 K 38/55

The attached documents are a correct and accurate reproduction of the original submission for this Application.

Munich, 06 September 2001

German Patent and Trademark Office

The President

[Seal of the German Patent and Trademark Office]

pp

[signature]

Wehner

Aventis Behring GmbH ANR: 8177007

2001/A002 - A13 Dr. Lp/Mi

Antithrombin III for disorders caused by angiogenesis

5

The invention relates to the use of the antiangiogenic and antiarteriogenic activity of antithrombin III for the prophylaxis and treatment of various disorders.

Angiogenesis means the growth of capillary vessels and 10 endothelial whereas of channels, the growth arteriogenesis refers to the growth of collateral vessels which are already present, together with the extension of the arteries which are present and are 15 provided with muscles (1). Both processes are initiated by the binding of substances with angiogenic activity to receptors which are located on endothelial cells which then proliferate and migrate away. In parallel with this, stimulated endothelial cells also increase the formation of adhesion molecules (integrins) such as 20 $\alpha_{\gamma}\beta_{\delta}$, which serve to anchor the endothelial cells which have migrated away to the surrounding tissue, leading to a sprouting of new blood vessels. In addition, there is formation of metalloproteinases which break down the surrounding tissue and thus make it possible for the tissue to form anew around the blood vessels. sprouting endothelial cells penetrate into tubular and loop-shaped recesses and thus make the formation of blood vessels possible. Since angiogenic agents play a crucial part in angiogenesis and arteriogenesis, an 30 reduction in their production enhancement or has large influence the effects normal a on physiological control of these processes and disorders influenced by angiogenesis. Pathological angiogenesis is characteristic of cancer and various 35 ischemic and inflammatory disorders. There is evidence important part played by substances with the angiogenic activity and growth factors in the growth and formation of metastases of cancer cells (2). It is certain that excessive angiogenesis may lead to disorders such as diabetic retinopathy, neuropathy, rheumatoid arthritis, psoriasis and endometriosis. Angiogenesis contributes to pathophysiological tissue changes associated with chronic bronchitis and chronic inflammations of the gastrointestinal tract and to granulomatous and other infectious diseases such as leprosy.

principal endogenous the Antithrombin is one of 10 inhibitors of coagulation. Although antithrombin acts in particular as an important thrombin inhibitor in the plasma, it also has strong inhibitory effects on a number of active serine proteases including factors IXIa, Xa, XIa and XIIa and on factor VIIa bound to 15 tissue factor, all of which are important for the coagulation cascade. Two isoforms of antithrombin have been identified in human plasma. The β isoform accounts for 5 to 10% of plasma antithrombin and has a greater heparin affinity than the α isoform. However, the 20 proportions of these two isoforms vary with the tissue from which they are isolated (3) and, depending on the method used, different antithrombin isolation concentrates also contain different amounts of the isoforms (4).

Recently, O'Reilly et al. (5) described the antiangiogenic and antitumor activity of the cleaved and latent forms of antithrombin, while the active antithrombin (AT) did not show such properties. O'Reilly et al. found, by fractionating the cell culture supernatant, a new antiangiogenic protein which was identified as antithrombin and in which the socalled active loop was cleaved, which led to loss of its inhibitory properties in relation to the known proteases such as thrombin. This proteolytic cut was accomplished by elastase. change The in the conformation of AT after isolation can be brought about in a similar way by heat treatment and then results in

30

35

the so-called locked or latent AT.

10

It has now been found, surprisingly, that the active form of AT, which is defined by intact molecules with the ability to inhibit proteases such as thrombin and factor XIa, and by a strong interaction with heparin and related compounds, has both antiangiogenic and antiarteriogenic properties. It is therefore possible to employ the active form of AT as medicament for the prophylaxis and treatment of disorders arising through pathological angiogenesis and arteriogenesis.

In a series of experiments, firstly the inhibitory effects of the active forms of antithrombin, including the α and β forms of antithrombin, on endothelial cell 15 by growth induced factors proliferation investigated. The effects of these active isoforms on the serum-induced proliferation of human umbilical vein endothelial cells (HUVEC) and calf pulmonary arterial cells (CPAC) were then investigated. AT α and β were 20 prepared by fractionated chromatography using a heparin matrix. Under these conditions, the latent antithrombin appeared in the fraction flowing through the column, while the α isoform was obtained by elution with 0.8 M NaCl and the β isoform was then obtained by elution with 2 M NaCl. By use of so-called two-dimensional immunoelectrophoresis (in the presence of heparin), the absence of the latent/locked AT in the two latter fractions was confirmed. In addition, the resulting AT shows full protease-inhibitory properties. 30

It can thus be stated, in summary, that both active AT antiproliferative properties isoforms show on incubation with endothelial cells. The inhibitory strength shown by the β isoform was greater than that 35 of the α isoform. An AT concentrate containing a mixture of both active isoforms likewise inhibitory activity. The presence of an amount (10%) of latent AT did not reduce the inhibitory strength of the concentrate.

The invention therefore also relates to the use of the α isoform or of the β isoform or of a mixture thereof or of a concentrate of antithrombin III for the prophylaxis and treatment of disorders caused by pathological angiogenesis or arteriogenesis.

It has also been possible to show that endothelial cell proliferation induced either by growth factors such as 10 (vascular endothelial growth factor or basic VEGF fibroplast growth factor bFGF) or serum can inhibited by active AT or an AT concentrate. The use of an active AT preparation prepared by immunoadsorption showed comparable results and confirmed that 15 angiogenic activity is mediated by AT and not, example, by traces of other plasma proteins. It can be concluded from this that active AT, specifically either the active α or β isoforms, alone or as mixture, can be used for the prophylaxis and treatment of disorders 20 by angiogenesis or assisted induced by it accompanied by it, such as retinopathies, neuropathies, rheumatoid arthritis, psoriasis, endometriosis, that they can also be used to prevent the spread of metastases and the growth of tumors, including those assisted by growth factors induced orsuch The same applies to the prophylaxis and cytokines. chronic of bronchitis and treatment chronic gastrointestinal of the inflammations tract granulomatous and other infectious diseases such as 30 leprosy. The presence of latent AT does not reduce the antiangiogenic properties which have been found, that a mixture containing active α - and/or β -AT can likewise be used. Apart from antithrombin obtained from plasma, it is also possible to use active antithrombin 35 prepared recombinantly or transgenically, in particular either alone or in combination with latent antithrombin.

Antithrombin can be employed intravenously, subcutaneously, intramuscularly or topically (for example in the form of drops, ointments or as component of a means for wound closure, such as a fabric). The following examples show the inhibitory effects observed with the purified AT isoforms and an AT concentrate.

Example 1

10 Inhibition of VEGF-induced HUVEC proliferation by antithrombin

It was possible to show that VEGF₁₀₅ is able to induce a dose-dependent increase in the number of HUVEC cells, which was measured by staining with crystal violet. Incubation with 15.6 ng/ml VEGF (a concentration which produces a submaximal effect) was carried out in the presence of various concentrations of different preparations and fractions of antithrombin in RPME 1640 for 48 hours.

The effect of AT was a dose-dependent inhibition of the VEGF-induced increase in the number of HUVEC. The β isoform was more effective than AT- α , as shown by Fig. 1.

Example 2

30

Inhibition of endothelial cell proliferation by an AT concentrate

HUVEC was isolated from fresh placental umbilical cords and allowed to grow to confluence in a moist atmosphere with 5% CO₂ at 37°C. The growth medium was ECGM (PromoCell, Heidelberg, Germany) supplemented with 10% 35 fetal calf serum (FCS) (PAA Laboratories, Linz, Austria). The cells were then separated from one another by treatment with collagenase and seeded in a medium which contained 20% culture FCS in a

concentration of 5×10^3 cells per well of a tissue culture plate equipped with 96 wells. After 24 hours, the cells were washed twice with RPME 1640 (Biological Industries, Kibbutz Beit Haemek, Israel) and incubated with the test substances in a medium containing 2% FCS Vinblastine hours. was employed 72 concentration of 10^{-9} M as positive control Fig. 2). The antiproliferative effect of this substance on HUVEC has already been described (6). A second endothelial cell line, the bovine pulmonary artery endothelial cell line CPA (ATCC, Rockville, MD) was used together with a culture medium which consisted of Earle's Medium 199 (PAA Laboratories, Linz, Austria). amounts of FCS were as described above The (see Fig. 3).

10

15

20

30

After incubation at 37°C for the stated time, the cell proliferation was measured using a colorimetric assay system. This assay system is based on the reaction of the tetrazolium salt MTT (Sigma Chemical Company) to give a violet formazan through active mitochondrial dehydrogenase. This reaction thus indicates live but not dead cells, and the signal generated is directly proportional to the number of cells. The MTT solution was added at a concentration of 5 mg MTT/ml PBS to all the wells of the assay culture plate and incubated for a further 6 hours. Then DMSO (Merck) was added to each well, and the plates were incubated for a further 30 minutes. The optical density was then measured in an enzyme-linked immunosorbent assay (ELISA) Reader at 570 nm.

In order to confirm these results, a BrdU assay system (Boehringer Mannheim, Germany) was used in accordance with the manufacturer's instructions. This assay system is based on measuring the incorporation of BrdU during DNA synthesis in proliferating cells.

The data are indicated as proliferation index which

indicates the ratio between the serum-induced cell proliferation and the cell proliferation in the presence of test substances.

5 Example 3

Effect of an AT concentrate on the proliferation of HUVEC and CPA

- An AT concentrate (Kybernin ®P, Aventis Behring GmbH, 10 Germany) which contained about 10% latent AT inhibited proliferation of HUVEC the or CPA cells concentration-dependent manner (above 1 IU/ml) when it was added to the culture medium before starting the 72-15 incubation. This observation shows that the hour mixture of active (in relation to protease inhibition and the binding to heparin) and latent AT likewise shows inhibitory properties on cell proliferation. In order to confirm that the reduced number of endothelial cells in the MTT assay (Fig. 4 and Fig. 5) actually is 20 attributable to the inhibition of DNA proliferation, the synthesis was carried out in endothelial cells by means of a BrdU incorporation assay (Fig. 6 and Fig. 7). The results of the AT III inhibition on DNA synthesis with such concentrates show their antiproliferative effects.
- A mixture of purified AT α and β (without latent AT) likewise showed an inhibitory effect in these assay systems.

References:

10

- 1. Carmeliet P. Mechanisms of angiogenesis and arteriogenesis. Nature Med. 2000; 6: 389-395.
 - 2. Abdulkadir SA. Carvalhal GF. Kaleem Z., Kisiel W. Humphrey PA, Catalona WJ, Milbrandt J. Tissue factor expression and angiogenesis in human prostate carcinoma. Hum Pathol. 2000; 31 (4): 443-447.
- 3. Witmer MR and Hatton MW. Antithrombin III beta associates more readily than antithrombin III-alpha with uninjured and de-endothelialized aortic wall in vitro and in vivo. Arterioscler Thromb. 1991; 11 (3): 530-539.
- 4. Römisch J., Dönges R., Stauss H., Inthorn D., Mühlbayer D., Hoffmann JN. AT III isoform proportion in plasmas of healthy subjects, septic patients and AT III concentrates a novel method of quantitation. Intens Care Med 2000: 26 (3):S 303, A 345.
- 5. O'Reilly MS, Pirie-Shepherd S., Lane WS and Folkman J. Antiangiogenic activity of the cleaved conformation of the serpin antithrombin. Science. 1999; 289 (5435): 1926-1928.
- 6. Vacca A., Iurlaro M., Ribatti D., Minischetti M., 30 Nico B., Ria R., Pellegrino A., Dammacco F., Antiangiogenesis is produced by nontoxic doses of vinblastine. Blood. 1999: 94 (12): 4143-55.

- 9 -

Aventis Belling GmbH

ANR: 8177007

2001/A002 - A13

Dr. Lp/Mi

Patent claims:

5

1. The use of active antithrombin III which has thrombin-inhibitory properties and affinity for heparin for the prophylaxis and treatment of disorders caused by angiogenesis or arteriogenesis.

10

2. The use as claimed in claim 1 of antithrombin III which contains active antithrombin for the prophylaxis and the treatment of disorders caused by angiogenesis or arteriogenesis.

15

20

30

- 3. The use of antithrombin III as claimed in claims 1 and 2, wherein the α isoform, the β isoform, mixtures of the two or a concentrate of antithrombin III are used for the prophylaxis and the treatment of disorders caused by angiogenesis or arteriogenesis.
- 4. The use of antithrombin III as claimed in claims 1 to 3, wherein it is employed for the prophylaxis and the treatment of retinopathies, neuropathies and infectious diseases such as leprosy.
- 5. The use of antithrombin as claimed in claims 1 to 3, wherein it is employed for the prophylaxis and treatment of cancerous ulcers and metastases of cancerous ulcers.
- 6. The use of antithrombin as claimed in claims 1 to 5, wherein it is administered intravenously, subcutaneously, intramuscularly or topically.

2001/A002 - A13

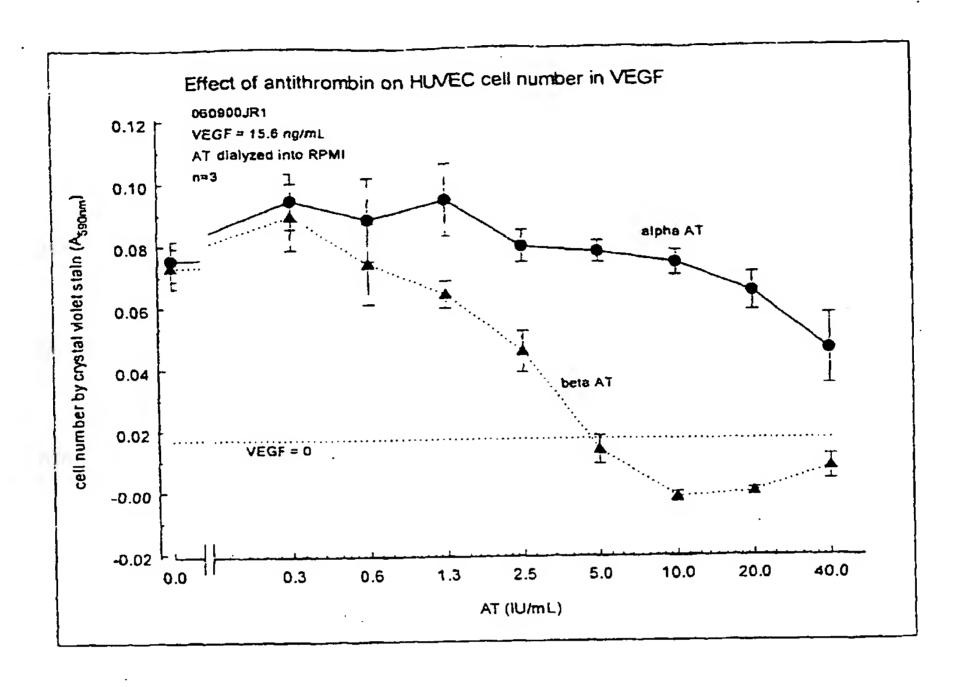
Abstract:

Antithrombin III for disorders caused by angiogenesis

The use of active antithrombin III which has thrombininhibitory properties and affinity for heparin for the
prophylaxis and treatment of disorders caused by
pathological angiogenesis or arteriogenesis, is
described.



Fig. 1





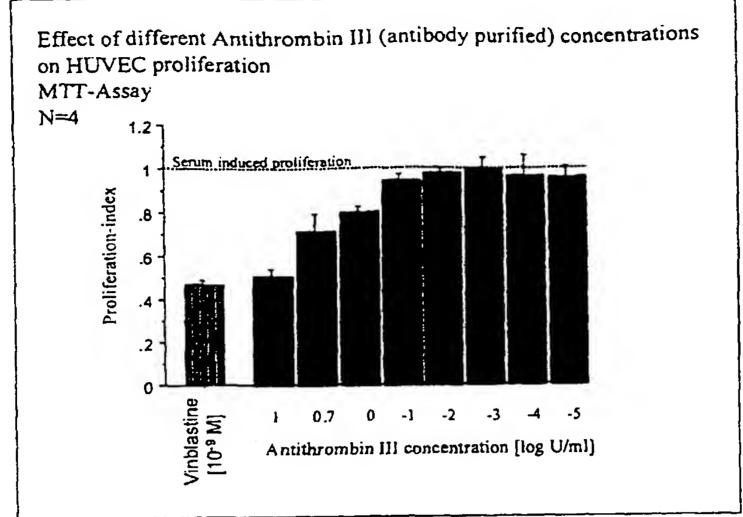


Fig. 2

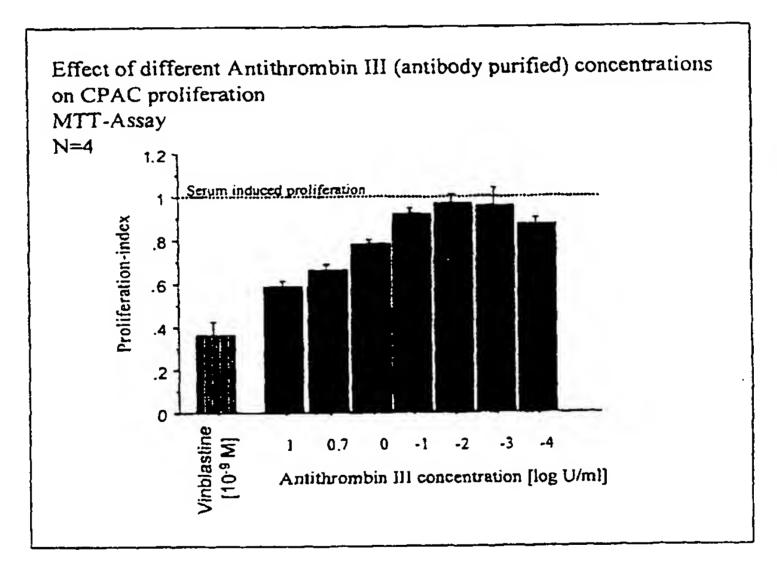


Fig. 3



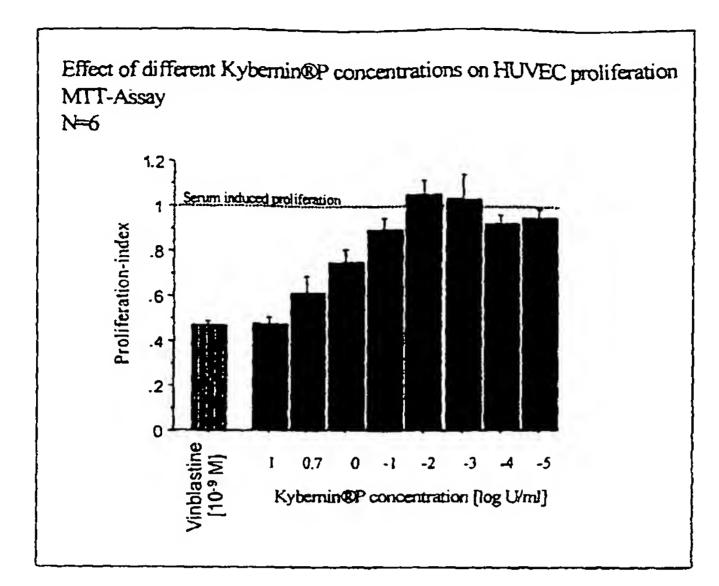


Fig. 4

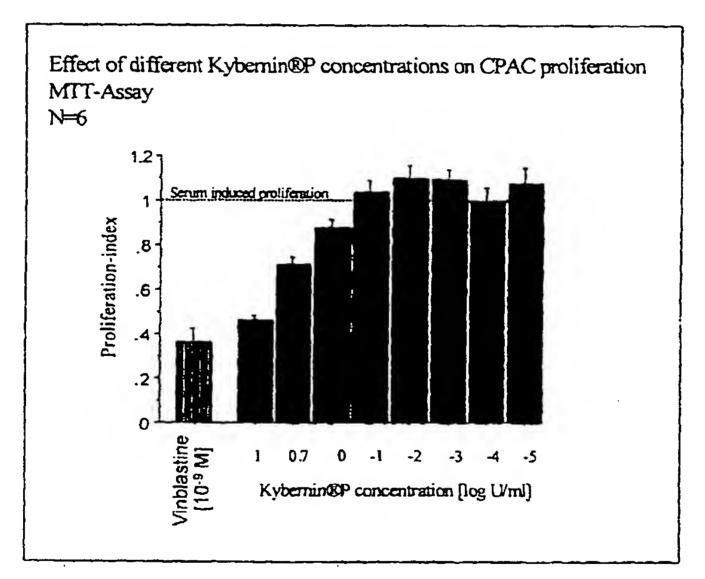


Fig. 5



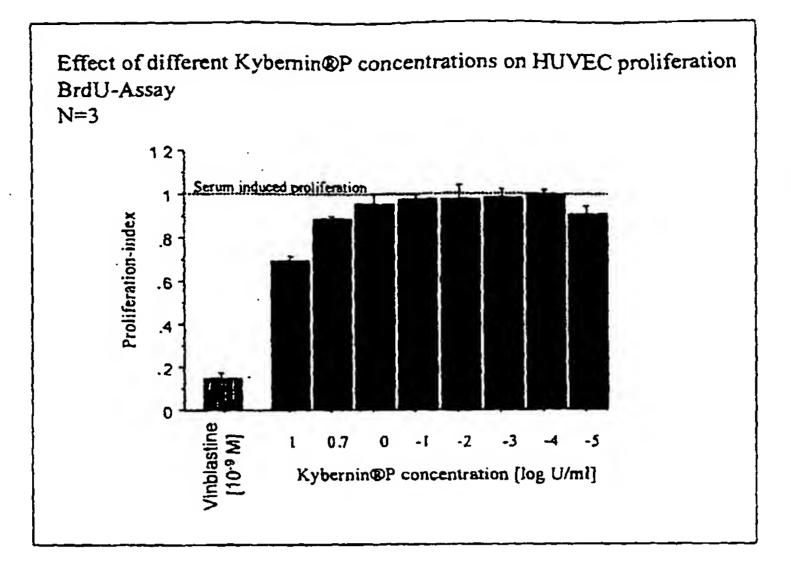


Fig. 6

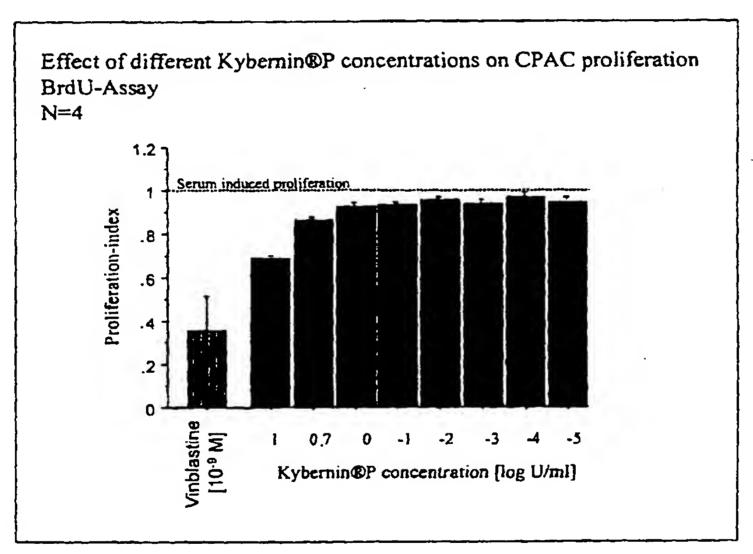


Fig. 7